

**UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
AT NASHVILLE**

**LOUISIANA-PACIFIC CORPORATION, )**

**Plaintiff, )**

**v. )**

**JAMES HARDIE BUILDING PRODUCTS, )  
INC., )**

**Defendant. )**

**CIVIL ACTION NO. 3:18-cv-00447**

**JUDGE McCALLA**

**JURY DEMAND**

**DECLARATION OF MARCUS KUIZENGA IN SUPPORT OF DEFENDANT JAMES  
HARDIE BUILDING PRODUCTS INC.'S  
OPPOSITION TO LOUISIANA-PACIFIC CORPORATION'S MOTION FOR  
TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

I, Marcus Kuizenga, declare as follows:

1. My name is Marcus Kuizenga and I have worked at James Hardie Building Products Inc. ("James Hardie") for approximately 20 years. My current position at James Hardie is "Technical Manager- Legal Department". I am over the age of 21 and am fully competent to testify regarding the facts set forth in this Declaration. I am familiar with the facts and circumstances of the above-captioned proceeding, and make these statements based upon personal knowledge.

2. I am authorized to give this Declaration on behalf of James Hardie. These facts stated below are true and correct to the best of my knowledge acquired in my capacity as Technical Manager-Legal Department, and I would testify to their accuracy in a court of law if called upon to do so.

3. The website located at [www.nowoodisgood.com](http://www.nowoodisgood.com) (the "Website") went live and was publicly accessible on April 9, 2018. The content of the Website has not materially changed since this posting over two months ago.

4. Attached hereto as Exhibit A are true and correct photographs taken by a James Hardie representative of actual damage caused by a woodpecker to a home using engineered wood siding product.

5. Attached hereto as Exhibit B is a true and correct copy of “Technical Bulletin No. 015 Woodpeckers & Carpenter Ants” (the “Bulletin”), currently available on LP’s website (as of June 13, 2018) at the uniform resource locator <https://lpcorp.com/resources/product-literature/technical-bulletins/tb-015-woodpeckers-carpenter-ants>.


6. Attached hereto as Exhibit C is a true and correct copy LP’s U.S. warranty for certain SmartSide products, including “SmartSide® Strand and Fiber Substrate Lap Siding, Panel Siding (including panels with or without SmartFinish® or SilverTech®), Shake, Trim & Fascia, Soffit, and ArmorStrand® Panel,” currently available on LP’s website (as of June 13, 2018) at the uniform resource locator <https://lpcorp.com/resources/product-literature/warranties/lp-smartside-warranty-english/>.

7. Attached hereto as Exhibit D is a true and correct photograph of a fiber-based wood siding product displaying buckling.

8. Fiber-based siding is a type of engineered wood siding product.

9. Attached hereto as Exhibit E is a true and correct copy of LP’s U.S. installation instructions for FOUNDATIONS 76 SERIES PRIMED LAP SIDING ARCHITECTURAL COLLECTION 76 SERIES PRIMED COLONIAL AND 120 SERIES PRIMED SELF-ALIGNING LAP SIDING, currently available on LP’s website (as of June 13, 2018) at the uniform resource locator <https://lpcorp.com/resources/product-literature/installation-instructions/lp-smartside-fiber-substrate-lap-siding-application-instructions-english/>.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 13<sup>th</sup> day of June 2018.

  
Marcus Kuizenga  
Technical Manager, Legal Department  
James Hardie Building Products

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 13th day of June 2018, the foregoing was electronically filed. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by U.S. Mail, postage prepaid. Parties may access this filing through the Court's electronic filing system.

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/s/ Maia T. Woodhouse  
Maia T. Woodhouse